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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,176	07/16/2003	Andrew Rodney Ferlitsch	10237.22	4331
65400	7590	02/15/2008		
KIRTON & MCCONKIE 1800 EAGLE GATE TOWER / 60 EAST SOUTH TEMPLE P.O. BOX 45120 SALT LAKE CITY, UT 84145-0120			EXAMINER LEE, TOMMY D	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 02/15/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/621,176	FERLITSCH, ANDREW RODNEY	
	Examiner	Art Unit	
	Thomas D. Lee	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-9 and 12-21 is/are allowed.
- 6) ☒ Claim(s) 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 4, 2008 has been entered.

Response to Amendment

2. This Office action is responsive to Applicant's AMENDMENT, filed January 4, 2008. Claims 1-21 are pending.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites: "using the multifunctional peripheral to process the fax job includes retrieving the fax from storage of the multi-functional peripheral, connecting with a receiving process at the computer device, and sending the fax to the receiving process at the computer device." This claim appears to suggest that in the step of processing the fax job by the multi-functional peripheral, which is the last step in the

method of claim 1, the fax is retrieved from the storage in the multi-functional peripheral and sent to the computer device. This is after the step in claim 1 of "despooling the fax job to a printer port associated with the multi-functional peripheral." Thus, according to claim 10, the fax job is sent from the computer device to the multi-functional peripheral, and is then sent back to the computer device after retrieval from storage. It is believed that the step recited in claim 10 is actually not a part of the step of using the multi-functional peripheral to process the fax job; rather this step is immediately subsequent to the step in claim 1 of "initiating a fax request at a computer device in communication with the multi-functional peripheral, wherein the fax request is a request to retrieve a fax from the multi-functional peripheral and wherein the computer device includes a print subsystem having a print spooler." In other words, the step of retrieving the fax from storage of the multi-functional peripheral and sending the fax to the computer device is performed in direct response to the fax request initiated by the computer device to retrieve a fax from the multi-functional peripheral. Please clarify whether this is the case.

Allowable Subject Matter

5. Claims 1-9 and 12-21 are allowed.
6. Claims 10 and 11 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
7. The following is a statement of reasons for the indication of allowable subject matter: The cited references do not appear to disclose or suggest the step of "initiating a fax request at a computer device in communication with the multi-functional

peripheral, wherein the fax request is a request to retrieve a fax from the multi-functional peripheral," as recited in base claims 1, 12 and 17. In particular, U.S. Patent 6,487,611 (Brusky et al.), which is the most relevant prior art found, discloses transmission of a fax from a multi-functional peripheral device to a computer device, in combination with spooling and despooling of the fax job, and using the multi-functional peripheral to process the fax job. However, the fax job is initiated, not by the computer device, but by the multi-functional peripheral (column 4, lines 59-63).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas D. Lee whose telephone number is (571) 272-7436. The examiner can normally be reached on Monday-Friday, 7:30-5:00, alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (571) 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Thomas D Lee
Primary Examiner
Technology Division 2625

tdl
February 14, 2008